THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24921 of 2006

01-12-2006

Between:-

Anasuri Veera Raghavulu

Petitioner

And

The District Collector,
East Godavari district,
Kakinada and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24921of 2006

Oral order:

The petitioner's grievance is that respondent Nos. 3 and 4 without any authority and jurisdiction or initiation of any lawful proceedings are interfering with his property, being agricultural land of an extent of Ac. 0-41 cents in survey No. 25/1 (old) equivalent to 7/6 (new), Indrapalem Grampanchayat, Kakinada mandal, East Godavari district. The petitioner alleges that the respondent Nos. 3 and 4 are trying to occupy the land for their personal use threatening the petitioner with dispossession.

In paragraph No.4 of the affidavit filed in support of the writ petition, the petitioner alleges that the respondent Nos. 3 and 4 are trying to occupy the land "for their personal use". If this be so, it is a case of a private act of land grabbing by persons holding a public office. It is not an act of the State. In any event, the petitioner has available a plurality of remedies. The petitioners could exercise the right of private defence to defend the property; they could complain of criminal trespass against respondent Nos. 3 and 4 to the appropriate

police station; or seek injunctive relief before the court of competent civil jurisdiction. All three are effective and alternative remedies and are also statutorily available.

In the circumstances, this court is not inclined to interfere under Article 226 of the Constitution of India. The writ petition is dismissed. The petitioner is at liberty to avail alternative remedies. No costs.

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GODA RAGHURAM, J

Dated: 01-12-2006
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